

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2003**

AGENDA ITEM NO.: 24

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Condemnation of the Allen-Morrison Property**

RECOMMENDATION: Approve the attached resolution to condemn the Allen-Morrison property.

SUMMARY:

The City wishes to acquire the Allen-Morrison property so that it can be used for public recreation facilities. The Allen-Morrison property is approximately 16.9 acres and is located at 319 Rutherford Street. Staff will continue efforts in developing the site for public purposes, applying for grant funding, securing the buildings and grounds, and minimizing risks. Future public purposes include, but are not limited to, providing parking for the City Stadium and developing a park to serve the surrounding neighborhoods.

The Allen-Morrison facility was a metal sign manufacturing company that operated from at least 1951 until 1973. The Allen-Morrison Corporation declared bankruptcy in 1996 and abandoned the property. Currently, there are numerous liens, encumbrances and judgements against the property. There are also delinquent real estate taxes owed to the City of approximately \$200,000. The buildings are deteriorating and the property is hazardous to the public. All efforts to locate and communicate with the property owners have not been successful. Staff recognizes that a leadership role is required by the City to address the short-term goal of mitigating risk and the long-term goal of developing the property into a public space that can benefit the neighborhoods and larger community.

PRIOR ACTION(S):

Finance Committee, December 3, 2002

BUDGET IMPACT:

Securing property, \$175,000 available in FY 03 CIP
Brownfield grant match, \$40,000 available in FY03 CIP
Demolition of buildings, up to \$700,000

CONTACT(S): Kay Frazier, 847-1640 ext 128

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AS THE ALLEN-MORRISON SIGN COMPANY PROPERTY AT 319 RUTHERFORD STREET IN THE CITY OF LYNCHBURG, OWNED BY THE TRUSTEES IN LIQUIDATION OF THE ALLEN-MORRISON COMPANY, INCORPORATED.

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is a matter of public necessity that the City acquire

The land at 319 Rutherford Street, being 16.9 acres more or less and also known as:

- A. Tax Map No. 029-02-005
- B. Tax Map No. 029-02-014
- C. Tax Map No. 029-02-018
- D. Tax Map No. 029-02-019
- E. Tax Map No. 029-02-020
- F. Tax Map No. 029-07-018
- G. Tax Map No. 029-07-019
- H. Tax Map No. 028-07-020
- I. Tax Map No. 028-07-049
- J. Tax Map No. 028-07-050
- K. Tax Map No. 028-07-051
- L. An interest in an alley.

to develop recreational uses, a public purpose, in the City of Lynchburg, owned by the Trustees in Liquidation of the Allen-Morrison Company, Incorporated; and

WHEREAS, in order to do so it will be necessary to acquire the fee simple title to said property;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the City Attorney be and he is hereby authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-b(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title to the following-described property owned by the Trustees in Liquidation of the Allen-Morrison Sign Company, Inc., to-wit:

The land at 319 Rutherford Street, being 16.9 acres more or less, also known as:

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- B. Tax Map No. 029-02-014
- C. Tax Map No. 029-02-018
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2. That in the opinion of the Council, a public necessity exists for the acquisition of said property.

3. That in order to provide the total estimated necessary funds to compensate the owners of the said property to be acquired or damaged, the sum of \$1,000.00 has been heretofore appropriated, and the Director of Finance be, and he is hereby authorized and directed, when so directed by the City Attorney, to deposit same with the Court in such condemnation proceedings.

4. That the City Attorney is further authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property, a fee simple interest in which is to be taken, upon the compensation to be paid therefor within the limits of the funds provided herein for the purpose; and the Mayor, Vice-Mayor or City Manager is authorized to sign in the name of the City any proper petitions or pleadings necessary to be filed in such proceedings.

Adopted:

Certified:

Clerk of Council

025L